

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION

ERIC WINSTON
ADC #105483

PLAINTIFF

V.

NO. 5:08cv00230 BSM

MARSHAL GONDA, et al

DEFENDANTS

ORDER

On August 18, 2008, plaintiff, a pro se inmate currently confined to the East Arkansas Regional Unit of the Arkansas Department of Correction, filed this 42 U.S.C. § 1983 civil rights action (doc. 2) along with a separate application to proceed in forma pauperis pursuant to 28 U.S.C. § 1915 (doc. 1). Plaintiff submitted the proper financial information in compliance with § 1915(a)'s requirements; accordingly, in forma pauperis status was granted (doc. 3).

On August 27, 2008, the court entered an order directing plaintiff to file a statement setting forth any and all facts in support of his position that his claims were timely filed (doc. 5). Plaintiff responded and indicated that this action is a timely refiling of 5:08cv00174 (doc. 7). In that case, plaintiff filed a complaint on June 17, 2008, in which he raised claims arising from three separate incidents occurring on June 27, 2005, July 14, 2005, and November 17, 2005. Magistrate Judge H. David Young recommended that the case be dismissed without prejudice so that plaintiff could bring his claims in separate actions. Plaintiff was directed to re-file separate complaints for each incident. The court adopted the

proposed findings and recommendations of Judge Young (doc. 14, Case 5:08cv00174).

Plaintiff commenced the present action within ten days of that dismissal.

The Clerk of the Court is therefore directed to take the necessary steps to show referral of the present case to Magistrate Judge H. D. Young, and to make the necessary chip exchange.¹

IT IS SO ORDERED this 3rd day of November, 2008.


UNITED STATES DISTRICT JUDGE

¹ Transfer of the pending case to the docket of District Judge Brian S. Miller is unnecessary as both cases were assigned to him.

